

REMARKS/ARGUMENTS

Initially, applicant notes that the examiner crossed out references L, M, and R on applicant's IDS filed with the application. No explanation was provided. Applicant notes that these references were cited in application number 09/982,290 from which priority is claimed under 35 USC §120. Accordingly, applicant need not provide copies of these references. For the examiner's convenience, a new form 1449 listing only these references is included. This submission is considered timely because these references were cited when the application was filed. Applicant requests that the new form 1449 be initialed to confirm that the examiner has considered these references.

The specification has been objected to for containing embedded hyperlinks. The specification has been amended to overcome the objection.

Claims 1-4, 17-20, and 22-24 have been rejected as being anticipated by Moro. Moro does not teach a hearing device having an outer shell and another member, wherein the outer shell is exchangeable from the other member as recited in amended claim 1. Moro does not teach applying and exchangeable shell to another member of a hearing device as recited in claim 20. Moro teaches an acoustically sealed earmold manufactured in situ. Nothing in Moro teaches that the portion of the earmold retaining the shape of the recipient's ear can be removed and replaced (that is, "exchanged"). Indeed, Moro teaches that a cavity for electronic parts can be formed before the paste "sets". The earmold is then cured, which

makes it “hard”. See, column 2, lines 7-23 of Moro. Thus, it is unlikely (and certainly not taught) that the earmold is exchangeable.

In addition, Moro does not teach exchangeability remote from the individual as recited in claim 1. Moro’s assembly of electronic components is done in situ and nothing teaches that it is or can be done remotely.

Dependent claims recite further distinguishing features. For example, Moro does not teach removing and replacing the shell remotely from the individual as recited in claims 25 and 26. Moro’s electronic components appear to be permanently installed in the earmold in situ. Moro does not teach applying a substance on the surface remotely from the individual as recited in claim 27. Moro mentions only release of the substance and does not describe where the substance is applied. Moro does not teach applying the shell to the other member remotely as recited in claim 28. Moro teaches in situ manufacturing.

Claims 5-16 and 21 have been rejected as being obvious over Moro in view of Zaffaroni. As motivation for the combination, the Office Action cites “improved transdermal drug delivery”. This, however, merely states an advantage of the **invention**, not a teaching in the references that would motivate one to make the combination resulting in the invention. Therefore, the teachings of the references are not properly combined.

The claims are now in condition for allowance and applicant respectfully requests reconsideration and withdrawal of the rejections.

Appl. No.: 10/733,063
Amdt. Dated: July 20, 2005
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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32784US5.

Respectfully submitted,

PEARNE & GORDON LLP

By:

A handwritten signature in black ink, appearing to read 'Michael W. Garvey', is written over a horizontal line.

Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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